
History of Provisions

Act*

Basic Eligibility Requirements

1972 An individual may qualify for payments on the basis of age, blindness, or disability.

Aged: Any person aged 65 or older.

Blind: Any person with 20/200 or less vision in the better eye with the use of correcting lenses, or with tunnel vision of 20 degrees or less. An individual transferred from a state Aid to the Blind (AB) program is eligible if he or she received such state aid in December 1973 and continues to meet the October 1972 state definition of blindness.

Disabled: Any person unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment expected to result in death or that has lasted or can be expected to last for a continuous period of at least 12 months.

1980 A disabled recipient who loses federal SSI eligibility because of earnings at the substantial gainful activity level may continue to receive a special benefit under section 1619 and retain eligibility for Medicaid. This special benefit status may continue as long as the recipient has the disabling impairment and meets all nondisability SSI eligibility criteria. States have the option of supplementing this special benefit.

1986 The special benefit and Medicaid provisions of the 1980 amendments were made permanent. The provisions were amended, effective July 1, 1987, with modifications to allow free movement between regular SSI disability benefits and either the special cash benefit or continuation of Medicaid eligibility under section 1619.

For children under age 18, the definition of disability [1] eliminated the "comparable severity" standard, and replaced it with a requirement for "marked and severe functional limitations;" [2] eliminated references to "maladaptive behavior" in the Listing of Impairments for children; and [3] discontinued the use of individual functional assessments for children.

Beginning August 22, 1996, an application is effective for the first day of the month following the month of filing, or the month when all eligibility criteria are met.

SSI is prohibited for persons fleeing prosecution, for fugitive felons, for those violating state or federal conditions of probation or parole, and for 10 years for those convicted of fraudulently claiming residence to obtain benefits simultaneously in two or more states.

Citizenship and Residence

1972 The individual must reside within 1 of the 50 states or the District of Columbia and be a citizen or an alien lawfully admitted for permanent residence or permanently residing in the United States under color of law. Persons living outside the United States for an entire calendar month lose their eligibility for that month. In 1978, eligibility was extended to the Northern Mariana Islands.

1980 The income and resources of the immigration sponsors of noncitizens applying for SSI are considered in determining eligibility for and the amount of payment. After allowances for the needs of the sponsor and his or her family, the remainder is deemed available for the support of the noncitizen applicant for a 3-year period after admission to the United States for permanent residence. Does not apply to those who become blind or disabled after admission, to refugees, or to persons granted political asylum.

* The word "Act" represents legislation enacted *in the year shown*.

2.B SSI: History of Provisions

- 1996 Prohibited SSI eligibility for all noncitizens, with exceptions for certain classes of refugees and asylees, active duty military and veterans and their spouses and minor children, and lawful permanent residents who have earned or can be credited with 40 quarters of coverage for Social Security purposes. Provided a definition of which noncitizens are “qualified” for SSI.
- 1997 Revised requirements of the 1996 law to continue eligibility to some classes of noncitizens, and to redefine which noncitizens are “qualified” for SSI. Persons who are not “qualified” will lose eligibility as of September 30, 1998.
- 1998 Permanently extends the eligibility of noncitizens otherwise “not qualified” under the 1996 and 1997 laws, but who were receiving SSI on August 22, 1996.

Other Benefits

- 1974 SSI applicants and recipients are required to file for any other type of benefit for which they may be eligible.
- 1980 SSI applicants and recipients are not required to elect to receive Veterans Administration pensions under the Veterans and Survivors’ Pension Improvement Act of 1978.

Drug Addiction and Alcoholism

- 1972 Any disabled individual who has been medically determined to be an alcoholic or drug addict must accept appropriate treatment, if available, in an approved facility and demonstrate compliance with conditions and requirements for treatment. SSI payments must be made to a representative payee.
- 1996 An individual is not considered disabled if drug addiction or alcoholism is a factor material to a finding of disability.

Institutionalization

- 1972 An individual who is an inmate of a public institution is ineligible for SSI payments unless the institution is a facility approved for Medicaid payments and is receiving such payments on behalf of the person. Under regulations, the Medicaid payment must represent more than 50 percent of the cost of services provided by the facility to the individual.
- 1976 An inmate of a publicly operated community residence serving no more than 16 persons may, if otherwise eligible, receive SSI.
- 1983 Payments may be made to persons who are residents of public emergency shelters for the homeless for a period of up to 3 months in any 12-month period.
- 1986 Effective July 1, 1987, up to 2 full months of full-rate benefits can be made to recipients of special SSI payments under section 1619 if they reside in certain public medical, psychiatric, or Medicaid facilities, or in private Medicaid facilities.
- 1987 Effective January 1, 1988, payments may be made to persons who are residents of public emergency shelters for the homeless, for up to 6 months in a 9-month period.
- Effective July 1, 1988, continued payment for up to 3 months is permitted, at the rate that was applicable in the month prior to the first full month of institutionalization, for individuals whose expected institutional stay on admission is not likely to exceed 3 months and for whom the receipt of benefits is necessary to maintain living arrangements to which they may return.
- 1996 Effective December 1996, institutionalized children under age 18 whose private health insurance is making payments to the institution may receive no more than \$30 per month in Federal SSI.

Vocational Rehabilitation and Treatment

- 1972 Blind and disabled individuals under age 65 must be referred to the state agency providing services under the Vocational Rehabilitation Act and must accept the services offered. States are reimbursed for the cost of services.
- 1976 Blind and disabled children under age 16 must be referred to a designated state agency. States are reimbursed for the cost of services. Of funds provided for these services, at least 90 percent must be used for children under age 6 or for those who have never attended public schools.
- 1980 Disabled SSI recipients who are determined to be medically recovered may continue to receive payments while enrolled in approved vocational rehabilitation programs, if the Commissioner of Social Security determines that continuation in the program will increase the probability of their leaving the rolls permanently.
- 1987 Extended to blind recipients the provision for continuation of payments to those who have medically recovered while enrolled in an approved vocational rehabilitation program.
- 1990 Reimbursement authorized for the cost of vocational rehabilitation services provided in months in which the individual was not receiving federal SSI payments, in certain circumstances.

Deeming of Income and Resources

- 1972 Deeming occurs when the income and resources of certain family members living in the same household with the SSI recipient are considered in determining the amount of the SSI payment. These family members are the ineligible spouse of an adult recipient and the ineligible parents of a child recipient under age 21.
- After deduction of personal allocations for the spouse (or parents) and for ineligible children in the home, and after application of income exclusions, any remaining income of the spouse (or parents) is added to the income of the eligible person.
- 1980 Children aged 18 or older are not subject to parental deeming.
- Sponsor's income deemed to an alien for 3 years. (See also Citizenship and Residence.)
- 1989 Disabled children receiving home care services under state Medicaid programs may receive the \$30 monthly allowance that would be payable if the recipient were institutionalized, if they are ineligible for SSI because of deeming of parental income, and received SSI benefits limited to \$30 while in a medical treatment facility.
- 1993 Sponsor-to-alien deeming period extended from 3 years to 5 years, effective January 1, 1994 through, September 30, 1996.
- Continues deeming from an ineligible spouse or parent who is absent from the household due to active military service.
- 1996 Deeming of income and resources from an immigration sponsor to a noncitizen continues until citizenship, with exceptions for those who earn, or can be credited with 40 quarters of coverage for Social Security purposes. Effective for those whose sponsor signs a revised legally enforceable affidavit of support.

Windfall Offset

- 1980 Offset (by reduction of retroactive Social Security benefits) to prevent persons whose initial OASDI payment is retroactive from receiving more in total benefits for the same period than if they were paid the benefits when regularly due.
- 1984 Offset provision expanded to allow for reduction of retroactive SSI benefits and to apply in cases of OASDI benefit reinstatement.

Rounding of Payment Amounts

- 1974 SSI payments are calculated and paid to the penny.
- 1982 Cost-of-living adjustments in the federal SSI benefit and income eligibility levels are to be rounded to the next lower whole dollar, after the adjustment is calculated.

Exclusions From Income

- 1972 The first \$20 of earned or unearned income per month for an individual or couple; the next \$65 and one-half the remainder of quarterly earned income. Unearned income includes Social Security benefits, other government or private pensions, veterans' benefits, and workers' compensation.
- Any amount of tax rebate issued to an individual by any public agency that is based on either real property or food purchase taxes.
- Grants, scholarships, and fellowships used to pay tuition and fees at an educational institution.
- Income required for achieving an approved self-support plan for blind and disabled persons.
- Work expenses of blind persons.
- For blind persons transferred from state programs to SSI, income exclusions equal to the maximum amount permitted as of October 1972 under the state programs.
- Irregularly or infrequently received income totaling \$60 or less of unearned income and \$30 of earned income in a calendar quarter.
- Payment for foster care of ineligible child residing in recipient's home through placement by a public or private nonprofit child care agency.
- One-third of any payment received from an absent parent for the support of a child eligible for SSI.
- Certain earnings of a blind or disabled child under age 22 regularly attending an educational institution.
- State or local government cash payments based on need and designed to supplement SSI payments.
- 1976 Any assistance based on need (including vendor payments) made to or on behalf of SSI recipients, which is paid and wholly funded by state or local governments.
- The value of assistance provided under certain federal housing programs.
- Persons forced to leave their homes due to a major disaster declared under the Disaster Act of 1974 will not have their payments reduced for the support and maintenance received in any residence, for up to 30 days. In 1980, this exclusion was made permanent.

- 1977 Food stamps, federally donated food, and the value of free or reduced price food for women and children under the Child Nutrition Act and National School Lunch Act.
- 1980 Remuneration received in sheltered workshops and work activity centers are considered earned income and qualify for earned income disregards.
- Impairment-related work expenses paid by the individual (including cost for attendant care, medical equipment, drugs, and services necessary to control an impairment) are deducted from earnings when determining if an individual is engaging in substantial gainful activity. However, initial eligibility must be determined without this exclusions.
- Earned income tax credit treated as earned income (temporarily excluded from 1975 through 1980).
- 1981 Irregular or infrequent income is excluded up to \$20 or less of unearned income and \$10 of earned income in a month.
- 1982 From December 18, 1982, to September 30, 1983, certain home energy assistance payments are excluded if a state certified that they are based on need.
- 1983 Support or maintenance assistance (including home energy assistance) provided in kind by a nonprofit organization or in cash or in kind by certain providers of home energy is disregarded if the state determines that the assistance is based on need. In 1987, these provisions were made permanent.
- 1987 Excluded death payments (for example, proceeds from life insurance) from SSI income determinations to the extent they were spent on last illness and burial.
- The 1982 resource exclusion for burial funds extended to allow the interest on the funds to be excluded from income if retained in the fund.
- 1988 Excluded Japanese-American and Aleutian restitution payments.
- 1989 Interest on agreements representing the purchase of an excluded burial space.
- Payments from the Agent Orange Settlement.
- Value of a ticket for domestic travel received as a gift and not cashed.
- 1990 Earned income tax credit (including the child health insurance portion).
- Payments received from a state-administered fund established to aid victims of crime.
- Impairment-related work expenses excluded from income in determining initial eligibility for benefits.
- Redefined as earned income any royalties earned, honoraria received.
- 1993 Hostile fire pay to members of the uniformed services.
- Exclusion of payments received as state or local government relocation assistance made permanent.
- 1998 Matching funds provided by state or local government, or nonprofit organization under the Individual Development Account provisions of P.L. 105-285.
- In-kind gifts not converted to cash.

**Limits and Exclusions
From Resources**

\$2,000 annually of gifts to recipients under 18 from organizations such as Make-a-Wish.

Payments made under the Ricky Ray Hemophilia Relief Fund Act.

- 1972 Countable resources limited to \$1,500 or less for an individual and to \$2,250 or less for a couple.

A home of reasonable value established by regulation as not exceeding a fair-market value of \$25,000 (\$35,000 in Alaska and Hawaii).

Personal effects and household goods of reasonable value established by regulation as not exceeding a total market value of \$1,500.

An automobile of reasonable value established by regulation as not exceeding a market value of \$1,200. An automobile, may be excluded, regardless of value, if the individual's household uses it for employment or medical treatment, or if it is modified to be operated by or for transportation of a handicapped person.

Life insurance with face value of \$1,500 or less.

Assets of a blind or disabled individual that are necessary to an approved plan of self-support.

Tools and other property essential to self-support, within reasonable limits.

Shares of nonnegotiable stock in native Alaskan regional or village corporations.

- 1976 The recipient's home, regardless of value, is excluded from consideration in determining resources.

- 1979 Reasonable value for an automobile increased by regulation to \$4,500 of current-market value; personal goods and household effects increased to \$2,000 of equity value.

- 1980 Assets transferred for less than fair-market value for the purpose of establishing eligibility for benefits under the Social Security Act are counted as resources for 24 months after transfer.

- 1982 The value, within prescribed limits, of a burial space for the recipient, spouse, and immediate family is excluded. In addition, \$1,500 each (less the value of already excluded life insurance and any amount in an irrevocable burial trust fund) may be set aside for the burial of the recipient and spouse, if held in separately identifiable burial funds.

- 1984 The unspent portion of any retroactive title II or title XVI payment is excluded for 6 months following its receipt, and the individual must be given written notice of the time limit on the exclusion.

Limit on countable resources raised incrementally. The respective limits would become \$2,000 for an individual and \$3,000 for a couple in 1989 and thereafter.

- 1985 Regulations permitted exclusion, regardless of value of an automobile needed for essential transportation.

- 1987 Provides for suspension of the 1980 transfer of assets provision, if the Secretary determines that undue hardship would result.

Allows the exclusion of burial funds, as described above, regardless of whether or not there would otherwise be excess resources.

- 1988 Removes the transfer-of-assets penalty for transfers made July 1, 1988, or later.
- 1989 Property essential to self-support (including the tools of a worker and the machinery and livestock of a farmer) that is used in a trade or business or by such individual as an employee.
- 1990 Earned income tax credit excluded for the month following the month the credit is received.
- Payments received from a state-administered fund established to aid victims of crime excluded for a 9-month period. Individual not required to file for such benefits.
- 1993 Made permanent the 9-month exclusion of payments received as state or local government relocation assistance.
- 1998 Matching funds provided by state or local government, or nonprofit organization under the Individual Development Account provisions of P.L. 105-285.
- In-kind gifts not converted to cash.
- \$2,000 annually of gifts to recipients under 18 from organizations such as Make-a-Wish.
- Payments made under the Ricky Ray Hemophilia Relief Fund Act.

Presumptive Disability Payments

- 1972 A person applying on the basis of disability who meets all other criteria of eligibility may receive payments for 3 months pending the disability determination.
- 1976 Presumptive payment provision was extended to persons applying on the basis of blindness.
- 1990 Extends the period for receipt of payments to 6 months.

Emergency Advance Payments

- 1972 An applicant who can be presumed to meet the criteria of eligibility, but has not yet been determined eligible, and who is faced with a financial emergency may receive an immediate cash advance of up to \$100.
- 1987 Increases the maximum emergency advance payment amount to the maximum amount of the regular federal SSI monthly benefit rate, plus, if any, the federally administered state supplementary payment.
- 1996 May be made if applicant has a financial emergency in the month of filing, if other eligibility requirements are met. Advance payments must be repaid within 6 months.

Interim Assistance Reimbursement

- 1974 SSA may enter into agreements with the states to repay them directly for assistance payments made to an SSI applicant while his or her claim is being adjudicated. The repayment is made from the first check due to the individual. In 1976, the authority to repay was made permanent.

Medicaid Eligibility

- 1972 States can provide Medicaid coverage to all recipients of SSI payments. Alternatively, they could limit coverage by applying more restrictive criteria from the state Medicaid plan in effect on January 1, 1972. States can accept SSA determination of eligibility, or make their own determination.

2.B SSI: History of Provisions

- 1976 Preserves the Medicaid eligibility of recipients who become ineligible for cash SSI payments due to the cost-of-living increases in Social Security benefits.
- 1980 Blind and disabled recipients under age 65 who are no longer eligible for either regular or special SSI payments because of their earnings may retain SSI recipient status for Medicaid eligibility purposes if: (1) They continue to have the disabling impairment, (2) they meet all nondisability eligibility criteria except for earned income, (3) they would be seriously inhibited from continuing employment without Medicaid services, and (4) their earnings are insufficient to provide a reasonable equivalent of SSI payments and Medicaid.
- 1986 Restored Medicaid eligibility for some disabled widow(er)s who became ineligible for SSI due to a change in the Social Security disabled widow(er)s benefits reduction factor.

Medicaid protection for disabled widow(er)s whose title II benefits increased in 1984 because of a change in the actuarial reduction formula.

The SSI recipient status for Medicaid eligibility provision of the 1980 amendments was made permanent.

Effective July 1, 1987, certain expenses that would be lost if SSI eligibility was discontinued may be excluded from earnings when determining sufficiency of earnings to establish SSI recipient status eligibility for Medicaid purposes:

Impairment-related work expenses of disabled persons;
work expenses of blind persons;
income required for achieving an approved self-support plan; and
the value of publicly funded attendant care services.

Effective July 1, 1987, preserves the Medicaid eligibility of recipients who become ineligible for SSI payments because of entitlement to, or an increase in, Social Security disabled adult child benefits on or after the effective date.

Effective July 1, 1987, requires all states to provide Medicaid coverage for recipients in special SSI status (either receiving special SSI payments or continuation of Medicaid eligibility) if they received Medicaid coverage the month before special SSI status.

- 1987 Preserves the Medicaid eligibility of recipients who become ineligible for SSI payments due to an increase in, or entitlement to, Social Security disabled adult child's benefits.

Effective July 1, 1988, restores or preserves the Medicaid eligibility of persons aged 60 or older who are eligible for Social Security benefits as widows(ers), but not eligible for Medicare, if they become ineligible for SSI payments because of the receipt of retirement or survivors benefits.

- 1988 Age limit for retention of SSI recipient status for Medicaid eligibility purposes eliminated.

- 1990 Preserves the Medicaid eligibility of SSI recipients who become ineligible for SSI when they become entitled to Social Security disabled widow(er)s benefits because of the revised definition of disability.

State Supplementation

- 1972 States were given the option of providing supplementary payments both to recipients transferred from the state program and to those newly eligible for SSI. States may either administer the payments themselves or have the Social Security Administration make payments on their behalf. When state supplementary payments are federally administered, the SSA makes eligibility and payment determinations for the state and assumes administrative costs.

Requires states to maintain State supplementation payments at the level of December 1976 when the federal SSI payment level is increased and thereby pass through any increases in Federal benefits without reducing State supplements.

1983 Federal pass-through law adjusted by substituting the state supplementary payment levels in effect in March 1983 for those in effect in December 1976 as the levels that States must maintain in complying with the pass-through requirements.

1987 Provided for federal administration of state supplements to residents of medical institutions.

1993 The Omnibus Budget Reconciliation Act (OBRA) of 1993 requires states to pay fees for federal administration of their state supplementation payments. The fees for FY 1999 is \$7.60 per check.

Mandatory Minimum State Supplementation

1973 States were required to supplement the federal SSI payment to assure against reduction of income for persons who were transferred from state assistance programs to SSI in 1974. These supplementary payments must equal the difference between (1) the amount of the state assistance payment that the individual received in December 1973 plus other income and (2) his or her federal SSI payment plus other income.